

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:13-CR-00073-KDB-DCK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARYL RASHEED HEIGHT,

Defendant.

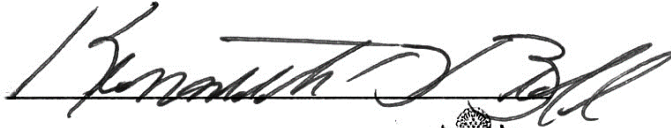
ORDER

THIS MATTER is before the Court on Defendant's *pro se* motion seeking home confinement under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 based on the COVID-19 pandemic. (Doc. No. 49).

In response to the COVID-19 pandemic, the President signed the CARES Act into law on March 27, 2020. Pub. L. 116-136, 134 Stat 281, 516. Section 12003(b)(2) of the Act gives the Director of the BOP authority to lengthen the maximum amount of time a prisoner may be placed in home confinement under 18 U.S.C. § 3624(c)(2) during the covered emergency period, if the Attorney General finds that emergency conditions will materially affect the functioning of the BOP. On April 3, 2020, the Attorney General issued a memorandum to the Director of the BOP making that finding and directing the immediate processing of suitable candidates for home confinement. However, nothing in the CARES Act gives the Court a role in determining those candidates. *See United States v. Caudle*, 740 F. App'x 364, 365 (4th Cir. 2018) (stating that the district court lacks authority to govern designation of prisoners under Section 3624(c)(2)).

IT IS, THEREFORE, ORDERED, that Defendant's *pro se* motion for home confinement under the CARES Act, (Doc. No. 49), is **DENIED**.

Signed: May 15, 2020

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

